Supreme Court, U.S.
FILED

No. 991646 APR 12 2000

OFFICE OF THE CLERK

In The

Supreme Court of the United States

Fred Davis

Petitioner,

v.

City of Malden

Board of Assessors, City of Malden

Respondents.

Petition For Writ Of Certiorari
To The Massachusetts Supreme Judicial Court

PETITION FOR WRIT OF CERTIORARI

Fred Davis
353 Bryant Street
Malden, Massachusetts 02148
(781) 322-8223

28 pp

I.

Should this Court grant Certiorari to resolve the fact that the petitioner's United States Constitutional Rights were violated.

Petitioner is experiencing continuing Hate Crimes against him causing him severe pain and suffering.

II.

United States Constitution Amendment V: states in pertinent part: "cannont be deprived of life, liberty or property without due process of law".

III.

United States Constitution Amendment XIV: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law: nor deny to any person within its jurisdiction the equal protection of the law".

IV.

Should this Court grant Certiorari, when the petitioner is being discriminated against and is continuing to experience all types of Hate Crimes.

V.

Should Certiorari be grant when the inferior court erred in law in dismissing the action based on the false statements by their attorney Kathryn M. Fallon.

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Petitioner, Fred Davis, respectfully prays that a Writ of Certiorari issue to review the inferior courts decisions and grant him the following relief: That properties on Bryant Street be valued honestly, at the same value as other properties in that area. All fraudulent water bills issued be stopped, and water pressure be restored forthwith.

Property located on Upham Street be valued honestly at the same value as other property in that area. Water supply that was deliberately shut off from the sidewalk since December, 1998, by Mr. Thomas Nealon, of the Malden Water Department be immediately restored.

OPINIONS BELOW

Appellate Tax Board dismissed the action for failure to comply with Board's Order. dated 3/24/98 (there was no order issed to the petitioner on 3/24/98) attached (App. p. 6).

Massachusetts Appeals Court denied the appeal attached (App. p. 7).

Massachusetts Supreme Judicial Court denied petitioner's Further Appellate Review attached (App. p. 8)

JURISDICTION

January 26, 2000, The Massachusetts Supreme Judicial Court denied Further Appellate Review attached (App. p. 8).

The petition is filed within 90 days of the Massachusetts Supreme Judicial Court's decision.

The Court's jurisdiction is invoked under 28 the United States Code.

UNITED STATES CONSTITUTIONAL PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution provides in pertinent part: "cannot be deprived of life, liberty, or property, without due process of law."

The Fourteenth Amendment to the United States Constitution provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law: nor deny to any person within its jurisdiction the equal protection of the law".

STATEMENT OF THE CASE

Petitioner filed tax rebatements for properties located at Bryant Street and Upham Street in the city of Malden, Massachusetts due to the fact that petitioner's properties are over valuated.

Petitioner's tax rebatements were denied by the respondent, City of Malden Board of Assessors.

May 12, 1997, petitioner filed Petitions with the Appellate Tax Board.

Petitioner received retaliation with great vengeance, water supply located at Upham Street, Malden, Massachusetts has been shut off from the sidewalk since December and has not been restored, in spite of the fact, that all water and sewer bills have been paid in full and the property located on Bryant Street the water pressure has been cut off compelling the petitioner to vacate premises in order to obtain livable conditions.

The willful acts of the respondent has caused the petitioner severe damage to his properties, pain and suffering and his properties worthless.

Petitioner is being discriminated against, he is the only one in the city who has paid his water and sewer bills and does not have water furnished in his property.

Respondent is using the United States Mail Service to mail fraudulent water bills at 353 Bryant Street, that does not agree with water readings that were furnished to the water department.

A hearing was scheduled to be heard on

May 4, 1998.

Due to the negligence of the City of Malden, the petitioner, Fred Davis sustained a serious fall in the Malden City Hall, therefore, on April 30, 1998, petitioner filed his Motion For Enlargement of Time attached (App. p. 1).

There was no objection from the respondent regarding Petitioner's Motion For Enlargement of Time.

The court without ruling on the petitioner's Motion For Enlargement of Time, on May 6, 1998, the Appellate Tax Board dismissed the action.

Petitioner appealed the Appellate Tax Board's decision to the Appeals Court. The Appeals Court affirmed the decision attached (App. p. 7).

Petitioner appealed to the Supreme Judicial Court for Further Appellate Review. The court denied the Further Appellate Review.

Now the issues are before this Honorable Court.

ARGUMENT

REASONS FOR GRANTING THE PETITION

I. CERTIORARI SHOULD BE GRANTED TO PROTECT THE PETITIONER FROM CONTINUING HATE CRIMES AGAINST HIM CAUSING HIM SEVERE PAIN AND SUFFERING

Thomas Nealon, an employee of the City of Malden wilfully with malice, discriminated and committed A Hate Crime against the petitioner.

Mr. Nealon shut off the water supply from the sidewalk in December of 1998, without notifying the petitioner, in spite of the fact, that all water and sewer bills have been paid in full, making the property worthless since there is no water service in the complete house.

Since Mr. Nealon did not notify the petitioner of the water being shut off, the plumbing and other damages resulted to the property.

Petitioner had to return rent deposits to tenants who were to move into the apartment, because of no water supply it made it an unhealthy and uninhabitable situation.

Petitioner's property on Bryant Street, the City of Malden, shut down the water pressure making that property also unhealthy and uninhabitable.

One cannot take a bath or shower, wash dishes or clothes and unable to flush a toilet.

Respondent, compelled the petitioner to vacant his apartment in order to obtain livable

quarters.

City of Malden and Mr. Nealon are still refusing to restore the water up to and including this date.

The petitioner is suffering severe pain by the acts of the respondent and is suffering severe monetary losses.

II. CERTIORARI SHOULD BE GRANTED TO PROTECT THE PETITIONER FROM BEING DEPRIVED OF HIS UNITED STATES CONSTITUTIONAL RIGHTS AS SET FORTH IN THE UNITED STATES CONSTITUTION

The inferior courts in Massachusetts deprived the petitioner of his United States Constitutional rights as set forth in the Fifth and Fourteenth amendments to the United States Constitution.

The United States Constitution Amendment V: states in pertinent part: "cannot be deprived of life, liberty, or property, without due process of law".

The United States Constitution Amendment XIV: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty or property, without due process of law: nor deny any person within its jurisdiction the equal protection of the law".

The inferior courts denied the petitioner due process of law and equal protection of the law as set forth in the United States Constitution.

Hearing were not heard on motions. Appellate Tax Board alleges that they made a Court Order dated 3/24/98, however, they show no evidence that a copy of so called order was served to the petitioner attached (App. 6).

Moreover the Appellate Tax Board does not address what: the order does nor does not address.

Something is very strange happening at the Appellate Tax Board, there is no concern for the Constitutional Rights of the petitioner.

The petitioner sustained a serious fall and he requested an Enlargement of Time from May 4, 1998, to July 7, 1998 attached (App. 1).

However, there was no response from the Appellate Tax Board.

Just as soon as the petitioner filed a motion For Enlargement of Time, there was no hearing or ruling on his motion. The inferior court simply dismissed his action without any facts and evidence by the petitioner. Clearly depriving him of due process of law and equal protection of the law.

The inferior court allowed the respondent one hundred and fifteen days to file briefs without any reason or good cause.

It is also very strange the document allowing the one hundred & fifteen days did not bear any signature nor, seal, therefore, it is not a

valid document and the briefs from the respondent should not have been accepted.

The Honorable Court can clearly see the courts in Massachusetts are completely lopsided, when the petitioner's Motion For Enlargement of Time is not ruled on and case is dismissed, while on the other hand the inferior court **ALLOWED ONE HUNDRED AND FIFTEEN DAYS TO FILE BRIEFS WITHOUT ANY GOOD CAUSE.**

The facts and evidence clearly shows that there is no justice in the Massachusetts Courts.

Massachusetts Courts are completely out of control and must be closed down in order to re-vamp the complete judiciary system.

III. CERTIORARI SHOULD BE GRANTED BECAUSE PETITIONER IS BEING DISCRIMINATED AGAINST AND IS CONTINUING TO EXPERIENCE ALL TYPES OF HATE CRIMES

Petitioner is being discriminated against because of his age and religion.

Petitioner's properties are being over-valued in relation to other property located at 371 Bryant Street, was purchased by the petitioner in approximately 1995, for a price of $85,000.00.

The property is overvalued by the respondent in the amount of $200,800 attached (App. p. 2).

Property located at 353 Bryant is over-valued in the amount of $200,900. attached (App. p. 4).

House located on Bryant Street has an inground swimming pool and has a valuation of $132,600.00,

House around the corner from Bryant Street

located at 136 Harvard Street has a complete finished basement and the property is assessed for $148,400.00.

Petitioner's property has a continuous problems with flooding.

This problem was done wilfully and knowingly by the acts of the City of Malden's Building Inspector Devine, and members of the Malden Engineering Department by making workers constructing the house, dig too deep causing the house to be built deeper in the ground which resulting continuous flooding.

Property located at 27 Upham Street Malden is in a bad location in the city the same as Bryant Street.

The house next to Davis' at 25 Upham Street contains 4,996 square feet of land and contains a finished attic the house is assessed by the respondent at $123,200.00.

While, Davis' property at 27 Upham Street contains only 3,571 square feet of land and does not have finished attic and is over-valued at $138,100.00. attached (App. p. 3).

Davis' properties are grossly overvalued in the city of Malden, the respondent does not deny that fact.

Respondent's attorney Kathryn M. Fallon is using the cover-up by telling falsehoods to the court by stating premises have not been inspected which is not the truth attached (App. 1, 2 and 3).

The evidence clearly shows how would they know the interior if they were not inside?

Malden Police would not remove cars that blocked the petitioner's driveway and he was unable to get his car out of the garage SEE PHOTOGRAPHS attached (App. p. 5).

Malden Police Department would not investigate burglaries, would not take fingerprints, would not put stolen items on the City of State Computer, while on the other hand the Malden Police Department removed cars blocking other individuals driveways and investigated burglaries for other individuals in the city.

City of Malden would not collect the petitioner's rubbish, however, all other residents in the city have their rubbish collected.

People are leaving boxes of hazardous materials on the sidewalk in the front of the petitioner house attached (App. P. 5A), although the house is located approximately five houses from a school which is a highly populated area with children, the police took no action in investigating who left the hazardous material on the sidewalk or remove the hazarous material.

There is continuing damage to the petitioner's properties, broken windows, car windows and screws are being placed in the petitioner's automobile tires along with other damages, however, no effort has been made to apprehend the individuals responsible.

Petitioner is the only house on Upham Street that does not have a place to park his car.

The law regarding parking over night on the street is only for cars not having a place on

their property to park their car and commercial vehicles are banned from parking overnight.

Cars are being parked on the street overnight on Upham Street including commercial vehicles in spite of the fact that these individuals have places on their property to park their cars.

The Malden Police Department is not enforcing this law.

Davis is unable to park his car over night on Upham Street although he is the only one on the street that does not have a place in his property to park a car, do to the fact that the City of Malden would not give him a curb cut.

The most recent Hate Crime inflicted upon the petitioner, occurred when fraudulent water and sewer bills on the property located at 353 Bryant Street are being mailed to the petitioner in the thousands of dollars which do not agree with the water meter readings.

The United States mails are being used to achieve this fraud.

The petitioner is being discriminated and inflicted with Hate Crimes because of his age and religion.

IV. CERTIORARI SHOULD BE GRANTED BECAUSE THE INFERIOR COURT ERRED IN LAW IN DISMISSING THE ACTION BASED ON THE FALSE STATEMENTS BY THEIR ATTORNEY KATHRYN M. FALLON

The inferior court did not serve an order to the petitioner dated 3/24/98.

Inferior court's decision was solely and merely based on what the respondent's attorney, Ms. Fallon set forth in her brief attached (App. p. 7).

Information in the respondents brief has come from their attorney Kathryn M. Fallon who has told falsehoods to the court, has committed perjury and has two Complaints filed against her in the Massachusetts Board of Bar Overseers.

Evidence clearly shows that all Davis' properties have been inspected attached (App. p. 2).

How would one know the house contained 0 half baths, 2 baths, 2 units 10 rooms 6 bedrooms, walls drywall, and floors carpet unless they were inside the house located at 369 and 371 Bryant Street?

How would one know the house contained 0 half baths, 2 baths, 2 units, 10 rooms, 4 bedrooms, walls plaster, hardwood floors, heat Oil, Steam attached (App. p. 3) unless they were inside the house located at 27 Upham Street?

How would one know the house contained 0 half baths, 2 baths 2 units 10 rooms 6 bedrooms, walls drywall floors carpet, unless they were inside the house located at 353 Bryant Street?

Evidence clearly shows that the properties

were inspected and the respondent is using fraud to cover-up the fact that Davis properties are overvalued, and worthless no one can live in a house that has its water shut off and no water water pressure.

After the inspection of the petitioner's properties, the petitioner's properties had been broken into and thousands of dollars in jewelry, etc., has been stolen. Based on the facts and evidence it appears that employees of the City of Malden were involved in these burglaries.

These facts, were fortified when the Malden Police Department failed to take fingerprints, did not place the stolen items on the City/State Computers and the Malden Police Department failed to investigate these burglaries.

The respondents do not deny the fact that Davis' properties are overvalued and he is being discriminated against because of his age and religion.

The respondents do not deny the fact that they shut the water off from the sidewalk in the winter without telling him causing severe damage to the property and making the property worthless and inhabitable causing severe money losses.

The respondents do not deny the fact that they shut the water pressure off from the house at 353 Bryant Street making it inhabitable causing the petitioner to seek other housing.

The respondents do not deny the fact that they wilfully made the petitioner's properties worthless and he is paying real estate taxes for

worthless properties along with water and sewer bills.

The respondents do not deny the fact that they are using the United States Mail Service to mail fraudulent water and sewer bills in the thousands of dollars that do not agree with the water meter readings.

The petitioner is with no doubt being discriminated against because of his age and religion.

CONCLUSION

WHEREFORE, Petitioner, Fred Davis respectfully prays that a Writ of Certiorari issue to review the inferior courts decision and correct the miscarriage of justice inflicted upon the petitioner and any other relief the Honorable Court deems appropriate.

Respectfully submitted

Fred Davis

Fred Davis
353 Bryant Street
Malden, Ma 02148
(781) 322-8223

App. 1

COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD

Docket Nos. F240916
F240917
F240918

FRED DAVIS, APPELLANT

VS.

BOARD OF ASSESSORS OF THE
CITY OF MALDEN, APPELLEE

MOTION FOR ENLARGEMENT OF TIME

The appellant, Fred Davis will be unable to attend a hearing to be heard on May 4, 1998, due to serious injuries he sustained in a fall.

Therefore, the appellant is requesting an enlargement of time for this hearing to be heard on July 7, 1998.

By,
s/Fred Davis
353 Bryant Street
Malden, Ma 02148

098 452 219 1 of 1 MALDEN, MA

Map Block Lot Card

369-371 Bryant St. $200,800
06/06/97
7:39A.M

Sales Information 01/01/89
$85,000.00

Narrative Description
This card has 0.25 Acres of Land Mainly classified as residential with an Mult-Gradn Building but about 1960 having primarily wood shing exterior and asphalt Sh Roof cover, with 2 baths, 0 half baths 2 unts 10 rooms, 6 bedrm.
Building Description:
Foundation Conc. Woods frame, wood shing, Brick venr. roof Hip,
Walls Drywall, Floors Carpet, heating oil fuel.
Depreciation 21%.

App. 3

084 405 512 1 of 1
Map Block Lot Card Res Malden, Ma
27 Upham Street

$138,100
06/06/97
7:40 AM

Sales Information 02/01/84
Sales Price $16,500

Last Revision
2/29/97

Narrative Description

This card has 0.08 acres pf land mainly classified as residential with an Mult-Grd Building built about 1910, having primarily woods shing Exterior with Asphalt Sh Roof Cover, with 2 baths, 0 half baths, 2 units, 10 Rooms, 4 bedrooms.

Building Description:
Attic, Foundation Conc. Block Frame Woods, Wood siding, Roof Hip.
Walls Plaster, Hardwood Floors, Heat Oil, Steam.
Depreciation 39%.

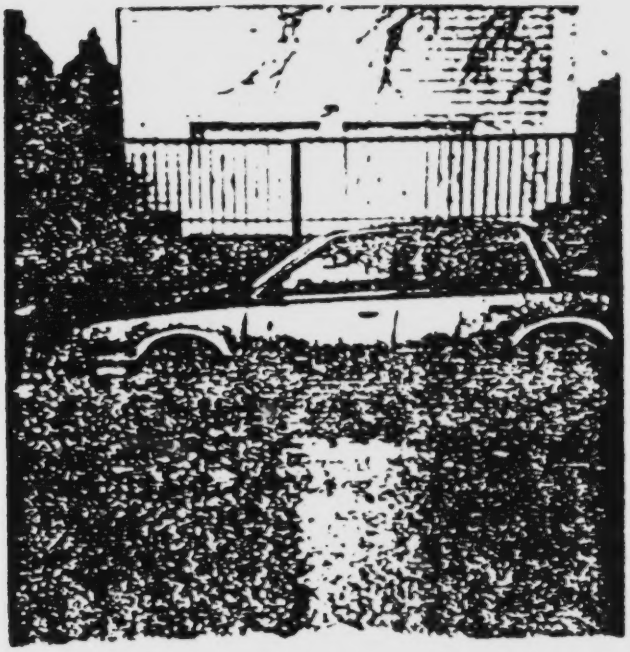
App. 4

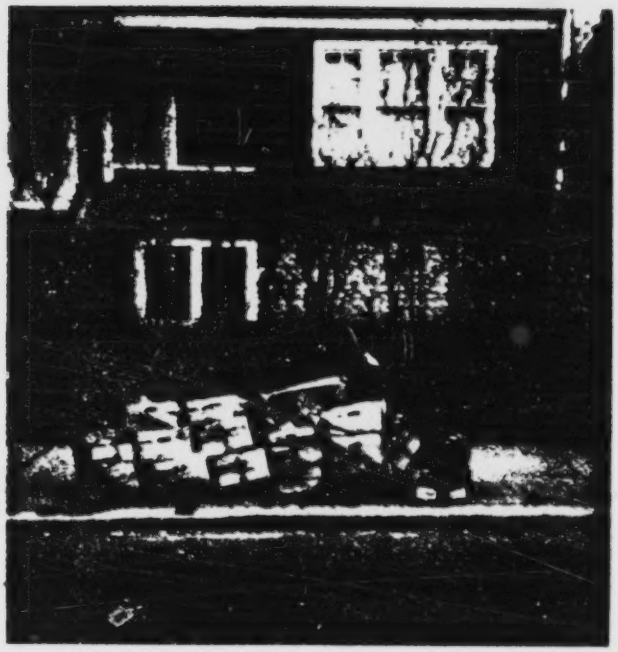
098	452	218	1 of 1	Malden, Ma
Map	Block	Lot	Card	

353 Bryant Street

$200,900
06/06/97
7:41 AM

Narrative Description
This card has 0.26 Acres of Land mainly classified as residential with an Mult-Gradn Building but about 1960 having primarily wood shing exterior and asphalt Sh Roof cover, with 2 baths, o half baths 2 units 10 rooms, 6 bedrm.
Building description:
Foundation Conc, wood frame, wood shing, Brick venr. roof Hip,
Walls Drywall floors carpet, heating oil fuel.
Depreciation 21%.





THE COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD
LEVERETT SALTONSTALL BUILDING, GOVERNMENT CENTER
100 Cambridge Street
Boston, Massachusetts 02202

Docket Nos. F240916,F240917,F240918

Fred Davis,
Appellant

Board of Assessors of the City of Malden.
Appellee.

DECISION

Appellee's Motion to Dismiss, filed 05/04/98. is allowed. Decision for the appellee. Appeal dismissed for failure to comply with Board's Order dated 3/24/98.

APPELLATE TAX BOARD

By _____ Chairman.

_____ Member.

_____ Member.

_____ Member.

_____ Member.

Attest: _____ Clerk.

Date: MAY 6 1998
(Seal)

NOTICE An appeal may be taken to the Massachusetts Appeals Court by either party to thes proceedings A claim of appeal should be filed with this Board in accordance with the Massachusetts Rules of Appellate Procedure

App. 7

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

98-P-1139

FRED DAVIS

vs.

BOARD OF ASSESSORS OF MALDEN

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

We affirm the decision of the Appellate Tax Board essentially for the reasons set forth in the brief of appellee board of assessors of Malden (board), particularly that the plaintiff has not demonstrated that he attempted in good faith to permit the board to inspect the properties in issue or that he was unable to permit such inspection for reasons beyond his control. See G.L. c. 59, § 61A.

Decision of Appellate Tax Board affirmed

By the Court (Jacob, Gillerman & Lenk, JJ.),

s/Ashley Ahearn
Clerk

Entered: December 9, 1999

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS
1412 Courthouse, Boston, Massachusetts 02108
(617) 557-1020

Fred Davis
P.O. Box 721
Everett, Ma 02149

Re: Docket No. FAR-11087

FRED DAVIS
vs.
MALDEN BOARD OF ASSESSORS

NOTICE OF DENIAL OF F.A.R. APPLICATION

Please take note that the above-captioned Application for Further Appellate Review has been considered by the Court and is denied.

Typed/Susan Mellen, Clerk

Dated: January 26, 2000

To: Fred Davis
Kathryn M. Fallon, Esquire